



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE

1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

April 20, 2009

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter Consultation – *Reserve Forces Policy Board*

The Department of Defense, pursuant to 10 U.S.C §§ 175 and 10301, and the Federal Advisory Committee Act of 1972, as amended, intends to renew the charter for the *Reserve Forces Policy Board* (attached). The Board will operate under the provisions of the Federal Advisory Committee Act of 1972, as amended and 41 CFR, Parts 102-3 through 102-3.185.

Prior to filing the Board's charter with the Library of Congress and the appropriate congressional committees the Department of Defense respectfully requests that the Committee Management Secretariat review and approve the proposed charter (attached). The proposed charter has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

If you should have any questions about this charter please contact my point of contact, Len O'Reilly, at 703-601-6148.

A handwritten signature in black ink, reading "James D. Freeman II", is positioned above the printed name.

James D. Freeman II
Deputy Committee Management Officer
for the Department of Defense

2 Attachments

1. 10 U.S.C §§ 175 and 10301
2. Proposed Charter

ATTACHMENT 1

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-CITE-

10 USC Sec. 175

01/03/2007

-EXPCITE-

TITLE 10 - ARMED *FORCES*

Subtitle A - General Military Law

PART I - ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 7 - *BOARDS, COUNCILS, AND COMMITTEES*

-HEAD-

Sec. 175. *Reserve Forces Policy Board*

-STATUTE-

There is in the Office of the Secretary of Defense a *Reserve Forces Policy Board*. The functions, membership, and organization of that *board* are set forth in section 10301 of this title.

-SOURCE-

(Aug. 10, 1956, ch. 1041, 70A Stat. 9; Pub. L. 90-168, Sec. 2(3),
(4), Dec. 1, 1967, 81 Stat. 521; Pub. L. 98-94, title XII, Sec.

1212(b), Sept. 24, 1983, 97 Stat. 687; Pub. L. 98-525, title XIII, Sec. 1306, title XIV, Sec. 1405(4), Oct. 19, 1984, 98 Stat. 2613, 2622; Pub. L. 98-557, Sec. 21, Oct. 30, 1984, 98 Stat. 2870; Pub. L. 99-433, title V, Sec. 531(a)(1), Oct. 1, 1986, 100 Stat. 1063; Pub. L. 103-337, div. A, title IX, Sec. 921, title XVI, Sec. 1661(b)(3), Oct. 5, 1994, 108 Stat. 2829, 2981.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
175 (a)	50:1008 (a) .	July 9, 1952, ch. 608, Sec. 257 (less (e)), 66 Stat. 497.
175 (b)		
175 (c)		
175 (d)		
175 (e)		
	50:1008 (b) .	
	50:1008 (c) .	
	50:1008 (d) (less proviso) .	

50:1008(d) (proviso).

In subsection (a), the word "are" is substituted for the words "is established", to make clear the continuing authority of the organization established by the source statute. Clauses (3), (4), and (5) are substituted for 50:1008(a)(iii) for clarity. In clauses (6), (7), (8), and (9), the word "designated" is substituted for the word "appointed", in 50:1008(iv), (v), (vi), and (vii), to make it clear that the positions described are not constitutional offices.

In subsection (b), the words "Regular Coast Guard or Coast Guard Reserve" are substituted for the words "Regular or Reserve * * * Coast Guard".

AMENDMENTS

1994 - Pub. L. 103-337, Sec. 1661(b)(3), amended section generally, substituting single undesignated par. for former subsecs. (a) to (f) relating to establishment, composition, functions, and powers of *Reserve Forces Policy Board*.

Subsec. (a)(4). Pub. L. 103-337, Sec. 921(1), substituted "and an officer of the Regular Marine Corps each" for "or Regular Marine Corps".

Subsec. (a)(10). Pub. L. 103-337, Sec. 921(2)-(4), added par. (10).

1986 - Subsec. (d). Pub. L. 99-433 substituted "3021" and "8021" for "3033" and "8033", respectively.

1984 - Subsec. (b). Pub. L. 98-557 substituted "Regular or Reserve, to serve as voting members" for "regular or reserve, to serve as a voting member".

Pub. L. 98-525, Sec. 1306, substituted "two officers of the Coast Guard, regular or reserve" for "an officer of the Regular Coast Guard or the Coast Guard Reserve".

Subsec. (c). Pub. L. 98-525, Sec. 1405(4), inserted a comma following "Reserve Affairs".

1983 - Subsec. (c). Pub. L. 98-94 substituted "Assistant Secretary of Defense for Reserve Affairs" for "Assistant Secretary of Defense for Manpower and Reserve Affairs".

1967 - Subsec. (a)(2). Pub. L. 90-168, Sec. 2(3), substituted "the Assistant Secretary of the Army for Manpower and Reserve Affairs, the Assistant Secretary of the Navy for Manpower and Reserve Affairs, and the Assistant Secretary of the Air Force for Manpower and Reserve Affairs" for "the Secretary, the Under Secretary, or an Assistant Secretary designated under section 264(b) of this title, of each of the military departments".

Subsec. (b). Pub. L. 90-168, Sec. 2(4), substituted "Secretary of

Transportation" for "Secretary of the Treasury" as the Secretary empowered to designate officers to serve on the *Board* and substituted "serve as a voting member" for "serve without vote as a member" in the description of the officer's service on the *Board*.

Subsec. (c). Pub. L. 90-168, Sec. 2(4), substituted "Assistant Secretary of Defense for Manpower and Reserve Affairs" for "Assistant Secretary of Defense designated under section 264(a) of this title".

Subsec. (d). Pub. L. 90-168, Sec. 2(4), inserted references to sections 5251 and 5252 of this title.

Subsec. (e). Pub. L. 90-168, Sec. 2(4), substituted "member of a committee or *board* prescribed under a section listed in subsection (d)" for "member of a committee under section 3033 or 8033 of this title".

Subsec. (f). Pub. L. 90-168, Sec. 2(4), added subsec. (f).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 1661(b)(3) of Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-94 effective Oct. 1, 1983, see section 1212(e) of Pub. L. 98-94 set out as a note under section 138 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

For effective date of amendment by Pub. L. 90-168, see section 7 of Pub. L. 90-168, set out as a note under section 138 of this title.



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10 USC Sec. 10301

01/03/2007

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle E - Reserve Components

PART I - ORGANIZATION AND ADMINISTRATION

CHAPTER 1009 - RESERVE FORCES POLICY BOARDS AND COMMITTEES

-HEAD-

Sec. 10301. *Reserve Forces Policy Board*

-STATUTE-

(a) There is in the Office of the Secretary of Defense a *Reserve Forces Policy Board*. The Board consists of the following:

- (1) A civilian chairman appointed by the Secretary of Defense.
- (2) The Assistant Secretary of the Army for Manpower and Reserve Affairs, the Assistant Secretary of the Navy for Manpower and Reserve Affairs, and the Assistant Secretary of the Air Force

for Manpower and Reserve Affairs.

(3) An officer of the Regular Army designated by the Secretary of the Army.

(4) An officer of the Regular Navy and an officer of the Regular Marine Corps, each designated by the Secretary of the Navy.

(5) An officer of the Regular Air Force designated by the Secretary of the Air Force.

(6) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Army, two of whom must be members of the Army National Guard of the United States, and two of whom must be members of the Army Reserve.

(7) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Navy, two of whom must be members of the Navy Reserve, and two of whom must be members of the Marine Corps Reserve.

(8) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Air Force, two of whom must be members of the Air National Guard of the United States, and two of whom must be members of the Air Force Reserve.

(9) A reserve officer of the Army, Navy, Air Force, or Marine

Corps who is a general officer or flag officer designated by the Chairman of the *Board* with the approval of the Secretary of Defense, and who serves without vote as military adviser to the Chairman and as executive officer of the *Board*.

(10) An officer of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps serving in a position on the Joint Staff who is designated by the Chairman of the Joint Chiefs of Staff.

(b) Whenever the Coast Guard is not operating as a service in the Navy, the Secretary of Homeland Security may designate two officers of the Coast Guard, Regular or Reserve, to serve as voting members of the *Board*.

(c) The *Board*, acting through the Assistant Secretary of Defense for Reserve Affairs, is the principal *policy* adviser to the Secretary of Defense on matters relating to the reserve components.

(d) This section does not affect the committees on reserve *policies* prescribed within the military departments by sections 10302 through 10305 of this title.

(e) A member of a committee or *board* prescribed under a section listed in subsection (d) may, if otherwise eligible, be a member of the *Reserve Forces Policy Board*.

(f) The *Board* shall act on those matters referred to it by the

Chairman and, in addition, on any matter raised by a member of the Board.

-SOURCE-

(Added Pub. L. 103-337, div. A, title XVI, Sec. 1661(b) (1), Oct. 5, 1994, 108 Stat. 2980; amended Pub. L. 107-296, title XVII, Sec. 1704(b) (1), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 109-163, div. A, title V, Sec. 515(b) (1) (CC), Jan. 6, 2006, 119 Stat. 3233.)

-MISC1-

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 175 of this title, prior to amendment by Pub. L. 103-337, Sec. 1661(b) (3) .

AMENDMENTS

2006 - Subsec. (a) (7). Pub. L. 109-163 substituted "Navy Reserve" for "Naval Reserve" .

2002 - Subsec. (b) . Pub. L. 107-296 substituted "of Homeland Security" for "of Transportation" .

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section

1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

EFFECTIVE DATE

Chapter effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as a note under section 10001 of this title.



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ATTACHMENT 2

CHARTER
RESERVE FORCES POLICY BOARD

- A. Official Designation: The Committee shall be known as the Reserve Forces Policy Board (hereafter referred to as the Board).
- B. Objectives and Scope of Activities: The Board, under the provisions of 10 U.S.C. §§ 175 and 10301, and the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), shall provide the Secretary of Defense, through the Under Secretary of Defense (Personnel and Readiness) and the Assistant Secretary of Defense (Reserve Affairs), independent advice and recommendations on matters relating to the Reserve Components. The Board shall act on those matters referred to it by the Chairman and, in addition, on any matter raised by a member of the Board.

The Board, pursuant to 10 U.S.C. § 113(c)(3), shall provide to the Secretary of Defense, for transmittal to the President and Congress, an annual report on the reserve programs of the Department of Defense and any other matters that the Board considers appropriate.

- C. Board Membership: The Board, pursuant to 10 U.S.C. § 10301(a), shall be composed of:
1. A civilian chairman appointed by the Secretary of Defense;
 2. The Assistant Secretary of the Army for Manpower and Reserve Affairs, the Assistant Secretary of the Navy for Manpower and Reserve Affairs, and the Assistant Secretary of the Air Force for Manpower and Reserve Affairs;
 3. An officer of the Regular Army designated by the Secretary of the Army;
 4. An officer of the Regular Navy and an officer of the Regular Marine Corps each designated by the Secretary of the Navy;
 5. An officer of the Regular Air Force designated by the Secretary of the Air Force;
 6. Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Army, two of whom must be members of the Army National Guard of the United States, and two of whom must be members of the Army Reserve;
 7. Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Navy, two of whom must be members of the Navy Reserve, and two of whom must be members of the Marine Corps Reserve;
 8. Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Air Force, two of whom must be members of the Air National Guard of the United States, and two of whom must be members of the Air Force Reserve;
 9. A reserve officer of the Army, Navy, Air Force, or Marine Corps who is a general officer or flag officer designated by the Chairman of the Board with the approval of the Secretary of Defense, and who serves without vote as military adviser to the Chairman and as executive officer of the Board; and
 10. An officer of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps serving in a position on the Joint Staff who is designated by the Chairman of the Joint Chiefs of Staff.

In addition to the aforementioned Board members, the Secretary of Homeland Security, whenever the U.S. Coast Guard is not operating as a service in the U.S. Navy, may designate two officers of the U.S. Coast Guard, Regular or Reserve, to serve as voting members of the Board.

Board members appointed by the Secretary of Defense, who are not full-time or permanent part-time federal employees shall be appointed as experts and consultants under the authority of 5

U.S.C. § 3109 and shall serve as Special Government Employees. Pursuant to 10 U.S.C. §§ 175 and 10301, these special government employees with the exception of travel and per diem for official travel shall not be entitled to receive compensation.

- D. Board Meetings: The Board or its approved subcommittees shall meet at the call of the Designated Federal Officer, who shall be a full-time or permanent part-time DoD employee appointed according to established DoD policies and procedures. The Designated Federal Officer or duly appointed alternate shall, in coordination with the Chairman approve all meeting agendas, attend all Board and subcommittee meetings, and adjourn any meeting the Designated Federal Officer determines adjournment to be in the public interest.

The Board, pursuant to DoD policy, shall be authorized to establish subcommittees, as necessary and consistent with its mission, and these subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972 and other appropriate Federal Regulations.

Such subcommittees or workgroups shall not work independently of the chartered Board, and shall report their recommendations and advice to the Board for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Board nor can they report directly to the Agency or any Federal officers or employees who are not Board members.

- E. Duration and Termination of the Board: Pursuant to 10 U.S.C. §§ and 10301 the need for this advisory function is on a continuing basis; however, it is subject to renewal every two years.
- F. Agency Support: The Department of Defense, through the Under Secretary of Defense (Personnel and Readiness) and the Assistant Secretary of Defense for Reserve Affairs, shall provide support as deemed necessary for the performance of the Board's functions, and shall ensure compliance with the requirements of 5 U.S.C., Appendix.
- G. Operating Costs. It is estimated that the annual operating cost, to include travel costs and contract support, for this Board is \$1,488,098. The estimated annual personnel costs to the Department of Defense are 11 full-time equivalents.
- H. Recordkeeping: The records of the Board and its subcommittees shall be handled according to section 2, General Record Schedule 26 and appropriate Department of Defense policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. & 552, as amended).
- I. Charter Filed: